

## **REMARKS**

### **Withdrawal of Appeal And Entry of This Amendment**

In response to the Final Rejection of March 19, 2008, Amendment F (After Final) was filed on June 19, 2008. This amendment overcame the Examiner's objection in the Final Rejection (March 19, 2008) to the drawings under 37 CFR 1.83(a).

An Advisory Action was issued on July 10, 2008 entering Amendment F (and withdrawing the objection to the drawings).

Thereafter, Amendment G (After Final) was filed on July 18, 2008 to correct two informalities in the claims and to place the application in a better condition for appeal.

A Notice of Appeal and Pre-Appeal Brief Request For Review were filed on July 21, 2008.

A communication entitled Advisory Action was issued by the Examiner on July 31, 2008. This communication entered Amendment G and appears to repeat the 35 USC §103 rejection from the Final Rejection.

On August 29, 2008, a Notice of Panel Decision from Pre-Appeal Brief Review was issued with a decision on the pre-appeal brief review stating that the application remains under appeal because there is at least one actual issue for appeal.

Applicant is withdrawing its appeal and filing this amendment with a RCE. Therefore, this amendment should be entered and considered at this time.

### **Allowance of Claims**

Applicant continues to appreciate the Examiner's allowance of Claims 1, 4, 9, 14, 20, 23, 28, 30, 33, 34, 36 and 39.

### Amendment To Claims

In order to advance the prosecution of this application, Applicant is amending independent Claims 5, 15 and 24 to recite the features of “a first transparent film comprising silicon nitride formed over the second electrode; a second transparent film comprising silicon oxynitride over the first transparent film; a third transparent film comprising silicon oxide over the second transparent film. These features are supported by, for example, page 21, lines 11-22 in the specification and Fig. 11 of the present application.

Accordingly, it is respectfully requested that this amendment be entered and allowed.

Applicant will now address the Examiner's only remaining rejection in the Final Rejection.

### Claim Rejections - 35 USC §103

In the Final Rejection and Advisory Actions, the Examiner rejects Claims 5, 8, 15, 19, 24, and 27 under 35 USC §103(a) as being unpatentable over Yamazaki et al. (US 6,894,431), Shimizu (US 5,003,221) and further in view of Toyoshima et al. (US 2001/0016262). This rejection is respectfully traversed.

While Applicant traverses this rejection, in order to advance the prosecution of this application, as explained above, Applicant is amending independent Claims 5, 15 and 24. These amended features are similar to the allowable features of allowed independent Claims 1 and 9.

Further, Yamazaki '431, Shimizu and Toyoshima do not disclose or suggest these claimed features.

Therefore, independent Claims 5, 15 and 24 are not disclosed or suggested by the cited references, and Claims 5, 15 and 24 and those claims dependent thereon are patentable over these references. Accordingly, it is respectfully requested that this rejection be withdrawn.

#### Conditional Extension of Time

Applicant does not know if an extension of time is necessary to file this amendment. If such an extension of time is needed, please consider this a petition for such an extension of time, and please charge our deposit account 50/1039 for any fee due for such an extension of time.

#### Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee should be due for this amendment, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

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Respectfully submitted,

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